

The Honorable Ronald B. Leighton

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

DANIEL MITCHELL, ROBIN BALL, LUKE
RETTMER, NATHANIEL CASEY,
MATTHEW WALD, SECOND
AMENDMENT FOUNDATION, and
NATIONAL RIFLE ASSOCIATION,

Plaintiffs,

v.

CHUCK ATKINS, in his official capacity as the
Sheriff of Clark County, Washington, CRAIG
MEIDL, in his official capacity as the Chief of
Police of Spokane, Washington, and TERESA
BERNTSEN, in her official capacity as the
director of the Washington State Department of
Licensing,

Defendants.

No. 3:19-cv-05106-RBL

MOTION OF CITIZENS COMMITTEE FOR
THE RIGHT TO KEEP AND BEAR ARMS
AND FIREARMS POLICY COALITION
FOR LEAVE TO FILE AN AMICI CURIAE
BRIEF IN SUPPORT OF PLAINTIFFS

NOTE ON MOTION CALENDAR:
August 14, 2020

Non-parties Citizens Committee for the Right to Keep and Bear Arms (“CCRKBA”) and
Firearms Policy Coalition (“FPC”) respectfully request leave to file the *amici curiae* brief
attached hereto in support of Plaintiffs’ motion for summary judgment, and in opposition to

Defendants’ cross-motion for summary judgment.¹ Plaintiffs consent to the filing of this motion; Defendants do not.

CCRKBA is a Washington nonprofit corporation that is dedicated to protecting the right of the people to keep and bear arms. CCRKBA’s role includes educating grass root activists, the general public, judges, legislators and the media. Its programs are designed to help all Americans understand the importance of the Second Amendment and its role in keeping Americans safe and free. CCRKBA has been particularly involved in advocated for and against both legislation and initiatives relating to firearms in Washington. CCRKBA has submitted a number of amicus briefs in other matters that relate to the right to keep and bear arms, including *Worman v. Healey*, 922 F.3d 26 (1st Cir. 2019), *Texeira v. County of Alameda*, 822 F.3d 1047 (9th Cir. 2016), *United States v. Emerson*, 270 F.3d 203 (5th Cir. 2001), and *People v. Brown*, 2020 IL 124100 (Ill. 2020).

FPC is a Delaware nonprofit corporation, based in California, with purposes that include defending and promoting the People’s rights and freedom. FPC serves its members and the public through legislative advocacy, grassroots advocacy, litigation and legal efforts, research, education, outreach and other programs. FPC represents its members and supporters, who include individuals aggrieved by I-1639. FPC has also submitted a number of amicus briefs in other matters that relate to the right to keep and bear arms, including *Peruta v. County of San Diego*, 824 F.3d 919 (9th Cir. 2016) (en banc), *Hollis v. Lynch*, 827 F.3d 436 (5th Cir. 2016),

¹ Citizens Committee for the Right to Keep and Bear Arms (“CCRKBA”) and Firearms Policy Coalition (“FPC”) are nonprofit corporations with no stock and no parent companies. No publicly held companies own 10% or more of their stock.

Rocky Mountain Gun Owners v. Polis, 2020 CO 66 (Colo. 2020), and *Commonwealth v. Hicks*, 208 A.3d 916 (Pa. 2019), as well as *Texeira* (cited above).

A district court has “broad discretion to appoint amici curiae.” *Hoptowit v. Ray*, 682 F.2d 1237, 1260 (9th Cir. 1982), *overruled in part on other grounds*, *Sandin v. Conner*, 515 U.S. 472 (1995). The “classic role” of amici is “assisting in a case of general public interest, supplementing the efforts of counsel, and drawing the court’s attention to law that escaped consideration.” *Miller-Wohl Co. v. Commissioner of Labor & Industry*, 694 F.2d 203, 204 (9th Cir. 1982) (citations omitted). There is no requirement that amici be “totally disinterested.” *Funbus Sys., Inc. v. C.P.U.C.*, 801 F.2d 1120, 1124 (9th Cir. 1986) (citing *Hoptowit*, 682 F.2d at 1260). Rather, the “perfectly permissible role” of amici is to “take a legal position and present legal arguments in support of it.” *Id.* (citing *Miller-Wohl*, 694 F.2d at 204).

These requirements are met perfectly here. This case concerns the constitutionality of gun laws that were enacted via the initiative process—a quintessential example of a matter that concerns the general public interest. Furthermore, the proposed amici brief presents additional legal arguments and authorities which may well be helpful to the Court.

As such, amici CCRKBA and FPC respectfully request that leave to file the attached amici brief be granted.

RESPECTFULLY SUBMITTED on July 24, 2020.

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